

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

Copies of the resolutions and water quality order can be obtained by calling (916) 341-5602 or downloading from our [website](#).

CALL TO ORDER

Tam M. Doduc, Chair called the meeting to order on November 16, 2005 at 10:05 am in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Tam M. Doduc, Arthur G. Baggett, Jr., Richard Katz, and Gerald D. Secundy

BOARD MEMBERS ABSENT

None

STAFF PRESENT

Celeste Cantú, Executive Director
Tom Howard, Deputy Director
Beth Jines, acting Deputy Director
Bill Rukeyser, Office of Public Affairs
Liz Kanter, Office of Public Affairs
Vicky Whitney, Division of Water Rights
Betsy Jennings, Office of Chief Counsel
Barbara Leidigh, Office of Chief Counsel
Karen O'Haire, Office of Chief Counsel
Dan Frink, Office of Chief Counsel
Stan Martinson, Division of Water Quality
John Ladd, Division of Water Quality
Ken Harris, Division of Water Quality
Joanna Jensen, Division of Water Quality
Lisa Babcock, Division of Water Quality

Danny Merkley, Division of Water Quality

Esteban Almanza, Division of Administrative Services
Zori Lozano-Friedrich, Office of Statewide Initiative
Ken Landau, Central Valley Water Board
Dennis Westcott, Central Valley Water Board
Dale Oliver, Division of Water Rights

Michael Lauffer, Chief Counsel
Selica Potter, Acting Clerk to the Board
Carmencita Sannebeck, Asst. Clerk to the Board
Chris Davis, Office of Public Affairs
Tom Mays, Office of Public Affairs
Steve Blum, Office of Chief Counsel
Michael Levy, Office of Chief Counsel
Anne Hartridge, Office of Chief Counsel
Lori Okun, Office of Chief Counsel
Phil Wyles, Office of Chief Counsel
James Giannopoulos, Division of Water Quality
Joanne Cox, Division of Water Quality
Greg Frantz, Division of Water Quality
Steve Saiz, Division of Water Quality
Darrin Polhemus, Division of Financial Assistance
Leslie Laudon, Division of Financial Assistance
Dominic Gregorio, Division of Water Quality
Sheryl Brooks, Division of Administrative Services
Valarie Silva, Office of Statewide Initiative

Les Grober, Central Valley Water Board
Mark Gowdy, Central Valley Water Board

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

JIM STAFFORD AWARD

Esteban Almanza presented the Jim Stafford award for administrative excellence to Kathy Ralph, personnel specialist. The award is named after Jim Stafford, chief of Administrative Services from 1983 to 1995 and typifies outstanding service. Comments from Kathy's nomination included "Kathy always goes over and beyond what's required..." to "We always feel comfortable asking her questions knowing that she will not only give us an answer patiently, but also gives us an answer that has been researched and will be accurate."

CUSTOMER SERVICE AWARDS

Bill Rukeyser and Beth Jines, presented the Awards to Members of the Public Participation Training Team: James Giannopoulos (DWQ), Valerie Silva (OSI), Karen O'Haire (OCC), Jeff Loux (UC Davis), Tom Mays (OPA) Zori Lozano-Friedrich (OSI), Nancy Barker (UC Davis), Barbara Andersen, (OSI) Lisa Babcock (DWQ), Greg Gearheart (DWQ) and Sandra Salazar-Thompson (not present) (OPA).

Staff was honored for the development and fast-tracked training program for public participation. Six hundred-fifty staff and managers received public participation training by the end of the fiscal year.

PUBLIC FORUM

Mr. Jeff Winfield, Environmental Manager, Port of Stockton addressed the Board. Mr. Winfield took the opportunity to describe the Port of Stockton's process of developing an environmental protection plan. The Port is taking a proactive approach to environmental stewardship by taking an active role as a leader and innovator in Delta protection and restoration. The Port is currently putting energy and resources into developing a Delta Protection Program that identifies and addresses ways in which the Port can be a positive influence to the Delta and the surrounding community.

MINUTES

Chair Doduc and Vice-Chair Secundy adopted minutes for the [September 22](#) and [October 20](#), 2005 Board meetings.

1. Election of a new Vice-Chair by the Board.

Member Secundy was elected as Vice-Chair.

INFORMATIONAL ITEM – EXECUTIVE DIRECTOR'S REPORT

2. Informational presentation by Eileen Tutt, Cal/EPA, on the environmental effects of global warming, specifically, the threat to water quality

3. Executive Director Report

Chair Doduc postponed both informational items above. Date to be determined.

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

CONSENT AGENDA (Items 4-6)

Chair Doduc proposed to add items 7 and 9 to the consent agenda because there were no comment cards for 7 and 9.

FINANCIAL ASSISTANCE

4. Consideration of a resolution authorizing the San Francisco Bay Regional Water Quality Control Board's request for additional funding in the amount of \$400,000, from the State Water Pollution Cleanup and Abatement Account for the Gambonini Mine cleanup in Marin County

Motion: Board Chair Doduc moved to adopt the proposed resolution.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0079](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz
Member Baggett

No: None

WATER QUALITY

~~**5. Consideration of a resolution approving the San Francisco Bay Regional Water Quality Control Board's request for additional funding in the amount of \$400,000, from the State Water Pollution Cleanup and Abatement Account for the Gambonini Mine cleanup in Marin County**~~

5. Consideration of a resolution adopting the California Ocean Plan Triennial Review and Work Plan 2005-2008

Motion: Board Chair Doduc moved to adopt the proposed resolution.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0080](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz
Member Baggett

No: None

6. Consideration of a resolution authorizing the Executive Director to execute two grant agreements with the U.S. Department of Energy for regulatory oversight at sites in the San Francisco Bay Region

Motion: Board Chair Doduc moved to adopt the proposed resolution.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0081](#))

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz
Member Baggett
No: None

REGULAR AGENDA (Items 7-12)

FINANCIAL ASSISTANCE

7. Consideration of adopting a resolution authorizing a State Revolving Fund Loan Program reimbursement

Motion: Board Chair Doduc moved to adopt the proposed resolution.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0082](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz
Member Baggett
No: None

8. Consideration of a resolution concerning the Los Osos Community Services District State Revolving Fund Loan (Project No. C-06-4014-110)

Water Board staff, Mr. Polhemus, Division of Financial Assistance, presented the item to the Board. He gave a brief review of recent highlights with Los Osos Wastewater Projects and its SRF loans:

- January 20, 2005: State Water Board approved the preliminary loan commitment for the Los Osos Project.
- May 20, 2005: The Division of Financial Assistance (DFA) issued an approval to award setting the project budget based on bids received for the project and appropriate allowances at approximately 135 million dollars.
- August 8, 2005: The State Revolving Fund (SRF) installment sales agreement (loan contract) for the project was executed.
- August 22, 2005: Los Osos Community Services District issued its' notice to proceed to the construction contractors and began constructing the project.
- September 27, 2005: The voters of Los Osos Community Services District (LOCSO) recalled 3 of their Board members and passed Measure B. Measure B required all work to stop on the current treatment plant and dictated that a new site, outside of the town of Los Osos, be located. It also set up conditions of approval for the new site, including a majority vote requirement for approval of any new location.
- October 6, 2005: The Los Osos Community Service District suspended work on its construction contracts.
- October 18, 2005: DFA issued a notice of withholding of all future loan repayments. To date, DFA has disbursed \$6 million in loan funds and have received a request from the District for an additional \$6 million.

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

- October 21, 2005: At the request of Assemblyman Blakesley, discussions on how to move the project forward were held in San Luis Obispo. Mr. Polhemus participated in those discussions. Subsequent to those discussions, the District submitted a proposal to end construction of the current treatment plant and to move the site of the treatment facility out of Los Osos. Staff has reviewed this proposal and determined that the risks to the SRF Program and recovery of funds already spent on construction are too great. Staff requested that the Los Osos Community Services District resume work on the previously approved project.

Commenters

Lisa Schicker, President of LOCS D
Dan Bleskey, Interim General Manager, LOCS D
John McClendon Interim General Manager, LOCS D
John Fonche, Vice-Chair, LOCS D
Gail McPherson, worked with the new LOCS D Board members
Alon Perlman, resident of Los Osos
Daniela Arnon, resident of Los Osos
Jack Hunter, resident of Los Osos
James Tkach, resident of Los Osos
Joe Spark, resident of Los Osos
Richard Margeson, resident of Los Osos
Lori Okun, Central Coast Regional Water Board
Phil Wyles, representing Central Coast Water Board
Alexis Strauss, U.S. Environmental Protection Agency

Motion: Member Katz moved to adopt the proposed resolution with added language.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0083](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz

No: None

Absent: Member Baggett

(Chair Doduc announced a close session as authorized by Government Code section 11126(c)(3) to deliberate on a proposed order following a hearing on proposed revocation of Permit 20247 of Michael L. and Knox P. Miller who divert water from Powerhouse Canal in Mendocino County. The Board reconvened at 1:15 p.m.)

9. Consideration of a resolution adopting the Small Community Groundwater Grant Program Competitive Project List

Motion: Board Chair Doduc moved to adopt the proposed resolution.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0084](#))

Aye: Board Chair Doduc

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

Vice Chair Secundy
Member Katz
Member Baggett
No: None

WATER QUALITY

10. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the San Diego Region to establish a total maximum daily load for total nitrogen and total phosphorus in Rainbow Creek

Commenters

Captain Chad Seber, representing the Marine Corps, Western Bases
Stephen Reich, Engineer, representing Camp Pendleton
Joe Jackson, representing Fallbrook Public Utility District
Richard Watson, representing Hines Horticulture
Eric Larson, representing San Diego County Farm Bureau
Craig Carlisle, representing San Diego Water Board
Alexis Strauss U.S. Environmental Protection Agency

1st Vote:

Motion: Vice-Chair Secundy moved to adopt the TMDL.

Seconded by: None

Abstain: Member Katz

Absent: Member Baggett

(Chair Doduc tabled this item leaving it open for discussion later in the agenda and moved on to items 11 & 12)

2nd Vote:

Motion: Member Katz moved to adopt the proposed resolution with added language.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0085](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz

No: None

Absent: Member Baggett

State Water Board Chief Counsel, Michael Lauffer, gave a brief speech about State Water Board staff, senior Counsel; Michael Levy will make his final appearance before the Board as a TMDL attorney for the State Water Board. He is transitioning to represent the Los Angeles Regional Water Board and Mr. Lauffer continued by stating that Mr. Levy has been an invaluable asset to the State Board for 5 years.

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

11. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to control factors contributing to dissolved oxygen impairment in the Stockton Deep Water Ship Channel

Joanna Cox, State Water Board Division of Water Quality, gave a power point presentation on the Salt & Boron TMDL. Cox indicated that 11 comment letters on this amendment have been given to the State Water Board including the CD from last month's meeting. Most of these comments have been recorded from the prior meeting.

State Water Board Staff Counsel Michael Levy, addressed the issue of assigning responsibility to the core of engineers and the Port of Stockton.

Commenters

Ken Landau, Central Valley Regional Water Board
Alexis Strauss U.S. Environmental Protection Agency
Jeff Wingfield, representing Port of Stockton
David Cory, representing San Joaquin River Exchange Contractors
Paul Minasian, representing Central California District
Tim O'Laughlin, representing San Joaquin River Group Authority
Bill Jennings, representing California Sports Protection Alliance (CSPA)
John Herrick, representing South Delta Water Agency

Motion: Member Katz moved to adopt the proposed resolution with added language.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0086](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz

No: None

Absent: Member Baggett

12. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Central Valley Region to incorporate a total maximum daily load for the control of salt and boron discharges into the Lower San Joaquin River

Commenters

John Davis, representing Bureau of Reclamation-Department of Interior
Les Grober (items 11&12), Central Valley Regional Water Board
Dr. James Coughlin, representing U.S. Borax Incorporated
Alexis Strauss, U.S. Environmental Protection Agency

State Water Board Staff Counsel Michael Levy read the added language before the Board adopt: The Central Valley Water Board shall adopt water quality objectives for salinity and boron for the lower San Joaquin River from Mendota Dam to the Airport Way Bridge near Vernalis by September 2006.

STATE WATER BOARD
BOARD MEETING MINUTES
November 16, 2005

Chair Doduc asked Ken Landau of the Central Valley Regional Water Board to get in touch with Dr. Coughlin to explore the information he gave the Board today. Mr. Levy added resolve #3.

Motion: Member Katz moved to adopt the proposed resolution with added language.

Seconded by: Vice Chair Secundy

MOTION CARRIED ([Resolution 2005-0087](#))

Aye: Board Chair Doduc
Vice Chair Secundy
Member Katz

No: None

Absent: Member Baggett